

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 22927

Applicants: WALKER et al.
Application No.: 09/316,546
Filed: May 21, 1999
Title: METHOD AND APPARATUS FOR PROCESSING CREDIT
CARD TRANSACTIONS

Attorney Docket No. 99-012

Group Art Unit: 3693
Examiner: KARMIS, Stefanos

REQUEST FOR REFUND PURSUANT TO 37 C.F.R. § 1.26

Mail Stop 16
Director of the U.S.P.T.O.
P.O. Box 1450
Alexandria, VA 22313-1450

To Whom It May Concern:

For the reasons set forth below, Applicants respectfully request a refund in the amount of \$2350.00.

REQUEST FOR REFUND

Applicants request this refund of \$2350.00 paid for a five month extension of time on September 9, 2009. The five month extension was unnecessary (although this was not known to Applicants) and was paid in error.

RELEVANT FACTS AND PROOF

Applicants timely filed a petition to withdraw a Notice of Abandonment for lack of abandonment in fact.

As of September 9, 2009, no decision on the petition had been received. September 9, 2009 was seven months following the timely filing of a Notice of Appeal.

As they did not know the disposition of the petition, or the status of the application, Applicants elected to file a Request for Continued Examination (copy of the RCE transmittal and fee transmittal are enclosed) on September 9, 2009.

Applicants included with the RCE a petition for a five month extension of time to ensure that the RCE was filed in a timely manner following the Notice of Appeal. Applicants authorized payment of \$2,350 for the petition for five month extension of time. Applicants have enclosed the deposit account statement for September 2009 showing the deduction of \$2,350 on September 10, 2009.

The Office mailed a Decision on Petition on September 8, 2009, but Applicants did not receive the Decision until September 10, 2009, one day after filing the RCE and incurring the extension of time fee. The Decision states on page 2 that Applicants had two months from the date of the Decision (i.e., until November 8, 2009) to file an Appeal Brief.

Accordingly, the RCE would have been timely filed on September 9, 2009 without the extension of time, but Applicants did not know that on September 9, 2009.

Therefore, Applicants request that the five month extension fee payment in the amount of **\$2,350** be credited to Applicants' Deposit Account No. **50-0271**.

Respectfully submitted,

January 7, 2010
Date

/Michael Downs 50252/
Michael D. Downs
Attorney for Applicants
PTO Registration No. 50,252
203.438.6408/phone
203.438.6991/fax
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 **COPY**

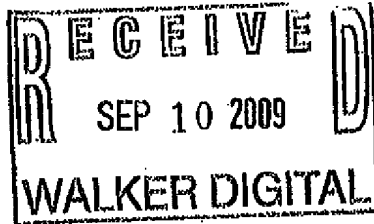
99-012



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WALKER DIGITAL MANAGEMENT LLC
2 HIGH RIDGE PARK
STAMFORD CT 06905

OFFICE OF PETITIONS

Appeal Brief Due

| | |
|-----------|----------|
| File No: | 99-012 |
| Attorney: | MDN |
| Due Date: | 11-08-09 |
| Docketed: | 09-16-09 |

In re Application of
Walker, et al.
Application No. 09/316,546
Filed: May 21, 1999
Attorney Docket No. 99-012

DECISION ON
PETITION

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 10, 2009.

The petition under 37 CFR 1.181 is GRANTED.

The holding of abandonment is WITHDRAWN.

The above-identified application was held abandoned for failure to timely file a reply to the final Office action mailed November 7, 2008. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the above-identified application became abandoned on February 8, 2009. The Office mailed a Notice of Abandonment on July 6, 2009.

Petitioner has supplied a copy of an Auto-Reply Facsimile Transmission from the USPTO, showing that a Notice of Appeal was filed in the application on February 9, 2009 (made timely by the fact that February 7, 2009 fell on a Saturday. See 37 CFR 1.7(a)).

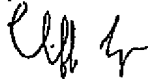
In view of the above, the holding of abandonment is withdrawn.

The Notice of Appeal contained an authorization to charge the fee to Deposit Account No. 50-0271. As petitioner did not submit any evidence that the fee was charged to the deposit account, that fee has now been charged.

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The application is being forwarded to Group Art Unit 3693 to await for applicants' submission of the Appeal Brief.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)**

| | | | | | | | |
|----------------------|---------------|-------------|------------|-------------------------------|------------------|----------|------|
| Application Number | 09/316,546 | Filing Date | 1999-05-21 | Docket Number (if applicable) | 99-012 | Art Unit | 3693 |
| First Named Inventor | Jay S. Walker | | | Examiner Name | KARMIS, Stefanos | | |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)

☒ Other Five month extension of time

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
Deposit Account No 500271

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner

| | | | |
|-----------|-----------------------|---------------------|------------|
| Signature | /Michael Downs 50252/ | Date (YYYY-MM-DD) | 2009-09-09 |
| Name | Michael D. Downs | Registration Number | 50252 |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**COPY**

| Electronic Patent Application Fee Transmittal | | | | |
|---|----------|--|--------|----------------------|
| Application Number: | | 09316546 | | |
| Filing Date: | | 21-May-1999 | | |
| Title of Invention: | | METHOD AND APPARATUS FOR PROCESSING CREDIT CARD TRANSACTIONS | | |
| First Named Inventor/Applicant Name: | | JAY S. WALKER | | |
| Filer: | | Jerome Alexander DeLuca/Veronika Leliever | | |
| Attorney Docket Number: | | 99-012 | | |
| Filed as Large Entity | | | | |
| Utility under 35 USC 111(a) Filing Fees | | | | |
| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |
| Extension - 5 months with \$0 paid | 1255 | 1 | 2350 | 2350 |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-----------------------------------|----------|----------|--------|----------------------|
| Miscellaneous: | | | | |
| Request for continued examination | 1801 | 1 | 810 | 810 |
| Total in USD (\$) | | | | 3160 |



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Deposit Account Statement

Requested Statement Month: September 2009
Deposit Account Number: 500271
Name: WALKER DIGITAL MANAGEMENT, LLC.
Attention: KAREN ROMAINE
Street Address 1: TWO HIGH RIDGE PARK
Street Address 2:
City: STAMFORD
State: CT
Zip: 06905
Country: UNITED STATES

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|-------|-------|--------------------|---------------------------|-------------|------------|--------------|
| 09/01 | 5 | 12307705 | 06-032 | 1617 | \$130.00 | \$102,833.00 |
| 09/01 | 6 | 12307705 | 06-032 | 1641 | \$100.00 | \$102,733.00 |
| 09/01 | 4075 | 11426786 | 04-014-C1 | 1253 | \$1,110.00 | \$101,623.00 |
| 09/01 | 6593 | 10459678 | 03-040 | 1252 | \$490.00 | \$101,133.00 |
| 09/01 | 3 | 11122855 | 05-016 | 2201 | \$220.00 | \$100,913.00 |
| 09/02 | 4440 | 11426449 | 02-100B-C1 | 1401 | \$540.00 | \$100,373.00 |
| 09/02 | 4721 | 11424731 | 98-057-C6 | 1504 | \$300.00 | \$100,073.00 |
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| 09/02 | 4966 | 11424702 | 98-057-C2 | 1501 | \$1,510.00 | \$97,053.00 |
| 09/02 | 4967 | 11424702 | 98-057-C2 | 1504 | \$300.00 | \$96,753.00 |
| 09/02 | 5231 | 11424718 | 98-057-C4 | 1504 | \$300.00 | \$96,453.00 |
| 09/02 | 5227 | 11424718 | 98-057-C4 | 1501 | \$1,510.00 | \$94,943.00 |
| 09/02 | 80 | 12491114 | 95-006-C1 | 1251 | -\$130.00 | \$95,073.00 |
| 09/02 | 81 | 12491114 | 95-006-C1 | 1051 | \$130.00 | \$94,943.00 |
| 09/03 | 3631 | 09609253 | 00-007 | 1252 | \$490.00 | \$94,453.00 |
| 09/03 | 4902 | 11424006 | 01-052-C2 | 1504 | \$300.00 | \$94,153.00 |
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| 09/03 | 1 | 10790934 | 03-026 | 1202 | \$52.00 | \$92,591.00 |
| 09/03 | 13191 | 11392059 | 06-009 | 1253 | \$1,110.00 | \$91,481.00 |
| 09/04 | 11035 | 10787283 | 02-100B | 1251 | \$130.00 | \$91,351.00 |
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| 09/04 | 11193 | 11200923 | 94-001-C6 | 1253 | \$1,110.00 | \$89,701.00 |
| 09/08 | 17005 | 09282747 | 99-007 | 1253 | \$1,110.00 | \$88,591.00 |
| 09/08 | 9 | 11814763 | 05-062 | 1617 | \$130.00 | \$88,461.00 |
| 09/08 | 8 | 11814763 | 05-062 | 1633 | \$200.00 | \$88,261.00 |
| 09/08 | 19 | 09316546 | 99-012 | 1401 | \$540.00 | \$87,721.00 |
| 09/08 | 13 | 78920184 | T06-003 | 7001 | -\$325.00 | \$88,046.00 |
| 09/08 | 10 | 09045036 | 97-558 | 1806 | \$180.00 | \$87,866.00 |
| 09/09 | 306 | 10791029 | 03-013 | 1253 | \$1,110.00 | \$86,756.00 |
| 09/09 | 4887 | 11423481 | 98-109-C1 | 1253 | \$1,110.00 | \$85,646.00 |
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| 09/10 2867 10100684 | 00-109 1255 | \$2,350.00 | \$81,246.00 |
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| 09/15 2064 09709235 | 99-098 1253 | \$1,110.00 | \$68,236.00 |
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| 09/17 2897 10420069 | 03-037 1253 | \$1,110.00 | \$64,226.00 |
| 09/17 15425 10902397 | 04-012B 1251 | \$130.00 | \$64,096.00 |
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| 09/21 5629 11423610 | 06-020-C1 1252 | \$490.00 | \$61,686.00 |
| 09/21 5630 11423610 | 06-020-C1 1801 | \$810.00 | \$60,876.00 |
| 09/21 5829 11423629 | 06-020-C3 1252 | \$490.00 | \$60,386.00 |
| 09/21 5830 11423629 | 06-020-C3 1801 | \$810.00 | \$59,576.00 |
| 09/22 2773 11425296 | 02-014-C1 1253 | \$1,110.00 | \$58,466.00 |
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| 09/23 10667 12517661 | 07-003 8021 | \$40.00 | \$57,616.00 |
| 09/23 10932 11854424 | 06-034 8021 | \$40.00 | \$57,576.00 |
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| 09/24 4456 11422436 | 01-009-C1 1401 | \$540.00 | \$53,196.00 |
| 09/24 4653 10655154 | 02-039 1401 | \$540.00 | \$52,656.00 |
| 09/24 4652 10655154 | 02-039 1252 | \$490.00 | \$52,166.00 |
| 09/24 5028 11338152 | 96-059-1-C1 1255 | \$2,350.00 | \$49,816.00 |
| 09/24 5029 11338152 | 96-059-1-C1 1401 | \$540.00 | \$49,276.00 |
| 09/24 5800 10420066 | 02-022 1402 | \$540.00 | \$48,736.00 |
| 09/24 5799 10420066 | 02-022 1254 | \$1,730.00 | \$47,006.00 |
| 09/24 10473 61245164 | 09-006 1005 | \$220.00 | \$46,786.00 |
| 09/25 204 11424905 | 02-012-C1 1252 | \$490.00 | \$46,296.00 |
| 09/25 17464 11424695 | 05-029 1253 | \$1,110.00 | \$45,186.00 |
| 09/28 856 10578181 | 04-027 1801 | \$810.00 | \$44,376.00 |
| 09/28 855 10578181 | 04-027 1252 | \$490.00 | \$43,886.00 |
| 09/28 854 10578181 | 04-027 1614 | \$220.00 | \$43,666.00 |
| 09/28 853 10578181 | 04-027 1615 | \$260.00 | \$43,406.00 |
| 09/28 4994 11424166 | 00-019-C4 1801 | \$810.00 | \$42,596.00 |
| 09/28 4996 11424166 | 00-019-C4 1814 | \$280.00 | \$42,316.00 |
| 09/28 5775 61245939 | 09-007 1005 | \$220.00 | \$42,096.00 |
| 09/28 12438 10419478 | 02-015 1252 | \$490.00 | \$41,606.00 |
| 09/29 1362 09538773 | 00-008 1252 | \$490.00 | \$41,116.00 |
| 09/29 1487 09360422 | 99-004 1252 | \$490.00 | \$40,626.00 |

| | | | | | | |
|--------------|-------|-----------------|-------------|--------------|---------------|--------------|
| 09/29 | 5029 | 10689975 | 02-081 | 1401 | \$540.00 | \$40,086.00 |
| 09/29 | 5028 | 10689975 | 02-081 | 1252 | \$490.00 | \$39,596.00 |
| 09/29 | 5398 | 11670755 | 02-029-C2 | 1252 | \$490.00 | \$39,106.00 |
| 09/29 | 6600 | 11423827 | 99-062-2 | 1251 | \$130.00 | \$38,976.00 |
| 09/29 | 7241 | 11456276 | 03-043-C2 | 1251 | \$130.00 | \$38,846.00 |
| 09/29 | 7242 | 11456276 | 03-043-C2 | 1806 | \$180.00 | \$38,666.00 |
| 09/29 | 13794 | 11394024 | 06-012 | 1253 | \$1,110.00 | \$37,556.00 |
| 09/30 | 13079 | E-REPLENISHMENT | | 9203 | -\$100,000.00 | \$137,556.00 |
| 09/30 | 15851 | 11348045 | 06-001 | 1253 | \$1,110.00 | \$136,446.00 |
| 09/30 | 18039 | 11926412 | 98-038-C1 | 1251 | \$130.00 | \$136,316.00 |
| START | | | SUM OF | SUM OF | END | |
| BALANCE | | | CHARGES | REPLENISH | BALANCE | |
| \$102,963.00 | | | \$68,542.00 | \$101,895.00 | \$136,316.00 | |

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